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Attorney for Defendant  
 STANDARD INSURANCE COMPANY

UNITED STATE DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA

LAURIE ORANGE

vs.

STANDARD INSURANCE COMPANY, a  
 corporation; and DOES 1 through 10,  
 inclusive,

Defendants.

Case No. 08cv0686-BTM (CAB)

**JOINT MOTION FOR  
 RESCHEDULING OF MANDATORY  
 SETTLEMENT CONFERENCE**

(Current Date): July 2, 2008  
 (Requested New Date): July 23, 2008  
 Time: 10:00 a.m.  
 Place: 940 Front St., Room 1131  
 Magistrate: Hon. Cathy Ann Bencivengo

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Joint Motion for Continuance of MSC

**Joint Motion for Rescheduling of Mandatory Settlement Conference:**

This action concerns plaintiff's claim for benefits under a disability policy issued by STANDARD INSURANCE COMPANY ("STANDARD") to employees of the County of San Diego.

The case was initially set for an Early Neutral Evaluation ("ENE") Conference for May 29, 2008. The parties prepared and lodged (confidential) Briefs in anticipation of the ENE Conference. Shortly prior to that date, the Court (Judge Moskowitz) issued an OSC regarding subject matter jurisdiction questioning whether the amount in controversy in the action was in excess of \$75,000.00. The parties filed a Joint Response to the OSC on or about June 4, 2008, articulating that the amount in controversy, per agreement of the parties and referring to the benefits at issue being sought by plaintiff, indeed does exceed the jurisdictional requirement for subject matter jurisdiction. The ENE, pursuant to request by STANDARD and counsel, was rescheduled for June 5, 2008. Given the pending question by the District Court, the in-person ENE was converted to a telephonic conference with the Magistrate Judge, and such telephonic conference was held on that date. At that time, with agreement of the Magistrate Judge and parties, the ENE was re-set to July 2, 2008 (and now set as a Mandatory Settlement Conference ("MSC")).

Counsel for the parties have just now learned (Friday, June 27, 2008) that the District Court has issued an Order expressing satisfaction that the amount in

1 controversy is sufficient to retain jurisdiction of the action. However, the ability  
 2 of lead counsel for plaintiff, Robert K. Scott, to attend the July 2, 2008 MSC has  
 3 become compromised, as Mr. Scott's daughter, Ashlea Scott Meggars, also an  
 4 attorney member of the Law Offices of Robert K. Scott, is presently overdue (with  
 5 an initial 'due date' of June 24, 2008) to deliver her first child (the first Scott  
 6 grandchild). Ashlea Meggars has met with her doctor this date, and based on all  
 7 indications it is anticipated that labor is now likely to occur during the week that  
 8 the MSC is presently scheduled. A brief extension of the MSC is therefore  
 9 respectfully requested. Neither STANDARD nor its counsel have any objection to  
 10 the requested continuance. As has already been agreed, STANDARD'S settlement  
 11 representative may appear by telephonic standby on July 2, 2008 or, if the  
 12 Conference is rescheduled, to July 23, 2008.

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 17 The parties hereby respectfully move the Court for a short continuance of  
 18 the MSC to July 23, 2008 at 10:00 a.m.

19  
 20 June 27, 2008

LAW OFFICES OF ROBERT K. SCOTT

By 

ROBERT K. SCOTT  
 Attorneys for Plaintiff,  
 LAURIE ORANGE

WARREN H. NELSON, JR.  
 A PROFESSIONAL CORPORATION

By 

Warren H. Nelson, Jr.  
 Attorneys for Defendant,  
 STANDARD INSURANCE COMPANY

By D. Scott Mottery, pursuant  
 to telephonic authorization

Joint Motion for Continuance of MSC